

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DANNY LEE SEPPA,

Petitioner,

V.

STATE OF WASHINGTON.

Respondent.

No. 10-5190RJB/JRC

**ORDER DIRECTING PETITIONER TO
AMEND THE PETITION**

The petitioner in this action is seeking federal habeas corpus relief pursuant to 28 U.S.C.

§ 2254. This case has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C.

§§ 636 (b) (1) (A) and 636 (b) (1) (B) and Local Magistrate Judges' Rules MJR 3 and MJR 4.

Petitioner has named the “State of Washington” as respondent. A proper respondent is “the person having custody of the person detained.” 28 U.S.C. § 2243. This person typically is the superintendent of the facility in which the petitioner is incarcerated. Failure to name the petitioner's custodian deprives federal courts of personal jurisdiction. Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994). .

1 Petitioner is directed to file either an amended petition naming a proper respondent or a
2 praecipe asking the clerk to substitute a proper respondent for the State of Washington, by no
3 later than April 30, 2010.

4 The clerk is directed to send a copy of this order to petitioner and note the April 30, 2010
5 deadline on the court's calendar.

6 DATED this 30th day of March, 2009.
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10 J. Richard Creatura
United States Magistrate Judge
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